

ALEXANDRIA CIRCUIT COURT

**INSTRUCTIONS FOR
REMOTE MOTIONS DAY HEARINGS
DURING COVID-19**

SEPTEMBER 17, 2020

PRESENTED BY

ALEXANDRIA CIRCUIT COURT LAW CLERKS

INSTRUCTIONS FOR REMOTE MOTIONS DAY PRACTICE

- Filing Deadline
- Courtesy Copies
- Proper Notice
- Oppositions and Replies/Responses
- Motions to Compel
- Guardianships/Conservatorships
- Show Cause Orders
- 2pm Hearings

FILING DEADLINE

- Motion must be properly noticed 2.5 weeks prior to Motions Day hearing.
- Additional motions may be filed up to 1 week prior to the hearing, but must be properly noticed.

NOTICE

- **“The matter will be heard remotely via Microsoft Teams. Opposing Counsel (or the opposing Party, if unrepresented by counsel) will receive an email from the Court two days prior to the Motions Day hearing. The Court’s email will include a link to the Microsoft Teams meeting and a telephone number to be used by those participants who do not have internet access.”**
- **See: alexandriava.gov/circuitcourt [THIS IS CORRECT, NOT WHAT I SAY IN THE RECORDING]**
- Reasonable notice of the presentation of a motion shall be served on all counsel of record. Absent leave of court, and except as provided in paragraph (c) of this Rule, reasonable notice shall be in writing and served at least seven days before the hearing. Counsel of record shall make a reasonable effort to confer before giving notice of a motion to resolve the subject of the motion and to determine a mutually agreeable hearing date and time. The notice shall be accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. R. SUP. CT. VA. 4:15(b).

COURTESY COPIES

- The clerk shall receive and file all pleadings when tendered, without order of the court.
... The clerk shall note and attest the date of filing thereon. R. SUP. CT. VA. 3:3(a).
- Email:
 1. CircuitCourtChambers@alexandriava.gov
 2. Opposing Counsel/Party

OPPOSITIONS & REPLIES/RESPONSES

- Written oppositions to timely filed motions must be emailed to Clerk of Court and the opposing counsel/party, with a courtesy copy emailed to Judges' Chambers. Only exhibits submitted with the opposition, at the time the opposition is filed, will be considered. **The deadline for filing oppositions/responses and any exhibits is 3:00 p.m. on the Friday preceding the Motions Day hearing.**
- This does not obviate the requirement of Rule 4:15(c) regarding opposition briefs that are more than five pages.

EXHIBITS

- Must be filed with your motion/opposition.
- Additional exhibits will not be considered.
- Affidavits for attorney fees may be submitted one day prior to Motions Day, but may include no other exhibits than those that support of the award requested.

PART 2



MOTIONS TO COMPEL

- Any motion to compel must include in the body of the motion certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without Court action, pursuant to Rules 4:12(a)(2), 4:12(d), or 4:15(b).
 - **FAILURE TO INCLUDE SUCH CERTIFICATION WILL RESULT IN THE MATTER BEING EXCLUDED FROM THE DOCKET**
- Removing a Motion to Compel - Once a Motion to Compel has been placed on the docket, the parties will be required to appear at the virtual hearing, unless the matter is resolved.
 - If the matter is resolved, (a) the moving party shall notify Judges' Chambers no later than 3:00 p.m. on the Tuesday before the Motions Day; **and** (b) an agreed order shall be submitted to Judges' Chambers no later than 3:00 p.m. on Motions Day.

GUARDIANSHIPS/CONSERVATORSHIPS

****UNCONTESTED ONLY ****

- The matter must be **uncontested**.
- All documents, including a signed proposed final order, a waiver of hearing, and GAL report, must be filed with the Clerk of Court. A courtesy copy may be emailed/delivered to Circuit Court Judges' Chambers.
- All documents must comply with all statutory requirements.
- Schedule the hearing
 - Option 1: Notice the case for a Motions Day hearing.
 - Option 2: Schedule the case for a non-Motions Day hearing. Contact Judges' Chambers to schedule a 9:00 a.m. uncontested hearing.
- At the hearing – the attorney does not need to attend the uncontested hearing
 - If no one appears to contest the entry of the order, the order will be entered.
 - If someone appears to contest the entry of the order, a contested guardianship/conservatorship hearing will be scheduled.

INFANT SETTLEMENTS AND WRONGFUL DEATH SETTLEMENTS

UNCONTESTED ONLY

- The matter must be **uncontested**.
- All documents, including a signed proposed final order, a waiver of hearing, and a GAL report, must be filed with the Clerk of Court. A courtesy copy may be emailed/delivered to Judges' Chambers.
- All documents must comply with all statutory requirements.
- Schedule the hearing:
 - Option 1: Notice the case for a Motions Day hearing.
 - Option 2: Schedule the case for the entry of order "on the papers". Counsel for Petitioner shall notify Judges' Chambers at 703.746.4123 after all the documents have been filed.
 - Documents will be reviewed and order will be entered if appropriate. Counsel will be contacted if there are any issues.

SHOW CAUSE ORDERS

- Show Causes may still be filed with a date returnable for a Motions Day. However please note the following:
 - If the Respondent does not appear remotely at the Motions Day hearing, the case shall be rescheduled unless the Petitioner can demonstrate that the Respondent was aware of the remote hearing and had the Microsoft Teams meeting link or call-in telephone number.
 - If the Respondent appears remotely (with or without counsel), and no evidence other than testimonial evidence and/or exhibits filed at least 2.5 weeks prior to Motions Day is necessary, the case may proceed.
 - Show Cause Orders may include the notice of the virtual hearing or counsel may file a separate praecipe stating that the hearing will be conducted remotely 2.5 weeks prior to Motions Day .

2:00 P.M. HEARINGS ON MOTIONS DAY

- In cases requiring more than 25 minutes, counsel should call Judges' Chambers (703.746.4123) to schedule a hearing at a 2:00 p.m. hearing.
- **All parties must agree** to have their case heard on the 2:00 p.m. afternoon session and there must be an available time slot.
 - There is only one case assigned to each judge for the 2:00 p.m. docket.
- After obtaining a date certain from Judges' Chambers, the proper praecipe or notice must be filed with the Clerk of Court.
 - If you do not follow through on the praecipe or notice, your case may not be heard on the 2:00 p.m. Motions Day docket.

QUESTIONS?

